

REMARKS

The present application was filed on September 26, 2003, with claims 1-27. Applicants previously canceled claims 1-27 without prejudice and presented new claim 28 for consideration during examination. Claim 28 is an independent claim, and is the only pending claim.

Claim 28 is rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,139,494 (hereinafter “Cairnes”).

Claim 28, as amended, is directed to a method for use in accordance with patient care. The method includes a step of receiving one or more metrics associated with one or more of a plurality of patients. The method also includes a step of determining one or more priorities associated with the plurality of patients based at least in part on the one or more metrics, the step of determining one or more priorities further comprising: accessing information about the one or more of the plurality of patients and about at least one environmental condition common to the plurality of patients; evaluating the one or more metrics responsive to the information; and accessing information about a metric, wherein the information about the one or more patients comprises at least one of medical history, an order of a doctor, and a threshold for a metric, and wherein the information about the one or more patients comprises point of care data and context information. The method also includes steps of determining an ordering of the plurality of patients, responsive to the one or more priorities; responsive to the ordering of the plurality of patients, transmitting an indicator to at least one receiver at least one of wirelessly, via Ethernet 802.11, via a cellular network, and via a wide area network, the indicator comprising recommended care for the plurality of patients; and determining a receiver for the indicator of order of the plurality of patients.

Support for the limitations reciting a plurality of patients may be found in the present specification at, for example, page 6, lines 1-5; page 11, lines 6-15, with reference to FIG. 2B; and page 15, line 19, to page 16, line 22, with reference to FIG. 4.

Support for the limitation directed to accessing information about at least one environmental condition common to the plurality of patients, and evaluating the one or more metrics responsive to the information, may be found in the specification at, for example, page 8, line 24, to page 9, line 5, with reference to element 230 in FIG. 2A; and page 13, line 27, to page 14, line 1, with reference to element 320 in FIG. 3. In these illustrative embodiments, these environmental factors may include

weather and politics. More specifically, these factors may include, for example, temperature, humidity, barometric pressure, smog levels, and terror alert levels. These elements may be used in determining the importance of a metric. For example, if a patient monitor shows abundance of sweat, then this may be discounted in importance if the temperature is high. If general stress conditions in the environment are present (e.g., recent terrorist attack), this may result in discounted importance placed on blood pressure.

Support for the limitation wherein the information about the one or more patients comprises point of care data and context information may be found in the specification at, for example, page 7, line 12-23, with reference to element 210 in FIG. 2A; and page 13, lines 1-17, with reference to step 310 in FIG. 3. In these exemplary embodiments, the point of care data may include, for example, data from medical equipment, such as IVs, bi-paps, pulse oximeters, heart monitors, and dialysis monitors. The context information may include, for example, patient location, scheduled appointments, and calendar information.

It is believed that Cairnes fails to teach, or even suggest, the limitations of amended claim 1. For example, Cairnes fails to teach determining an ordering of a plurality of patients, responsive to one or more priorities. Moreover, Cairnes fails to teach, or even suggest, the newly-added limitations directed to the use of point of care data, context information, and environmental factors in determining these one or more priorities.

It is respectfully asserted that the application, along with the newly amended claim, is in proper condition for allowance. As such, early and favorable consideration is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wayne L. Ellenbogen", with a long horizontal flourish extending to the right.

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